

REMARKS

The final office action maintains the 103 rejections over Bickmore in view of US 6,593,944 to Nicolas (hereinafter "Nicolas"), finding that applicant's Rule 131 affidavit provided insufficient explanation of facts to establish conception and diligence so as to remove Nicolas as a citable reference.

Included herewith is a revised Rule 131 affidavit which provides additional details regarding conception and diligence, and more specifically provides a "clear explanation" of how the exhibits attached to the affidavit support the conception of the claimed invention and its diligent reduction to practice. The included claim chart at pages 2-6 of the affidavit provides this clear linkage between the claimed subject matter and the materials relied upon to establish conception and diligence. Moreover, applicant has provided two drafts of the patent application during the time period in question, thereby establishing that the applicant was diligently working with his counsel to prepare and file this application. Applicant maintains that this revised Rule 131 affidavit provides sufficient information to establish a date of invention prior to May 18, 2000, thus removing Nicolas as a citable reference.

With Nicolas removed, the 103 rejections must be withdrawn, and a notice of allowance is respectfully requested.

Respectfully submitted,

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